

Notice of Allowability

Application No.

10/072,773

Applicant(s)

KRAFT ET AL.

Examiner

Art Unit

Wes Tucker

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed May 4th 2006.
2. ☒ The allowed claim(s) is/are 1,3,6-11,14,15,17,18 and 22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's response filed May 4th, 2006 has been entered and made of record.
2. Applicant has not amended any claims. Claims 2, 4-5, 12-13, 16 and 19-21 have been canceled. Claims 1, 3, 6-11, 14-15 and 17-18 and 22 are currently pending.
3. Applicant's arguments have been entered and made of record and are found fully persuasive for at least the following reasons cited below in the reasons for allowance.

Allowable Subject Matter

4. Claims 1, 3, 6-11, 14-15 and 17-18 and 22 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant's remarks are convincing with respect to the combination of Fu with the three previously cited references to Takemoto, Gallagher and Godlewski.

Takemoto teaches recognizing image elements of sky, skin and vegetation and determining a correction mask, and using local contrast to determine elements of the correction mask. Gallagher teaches variable sharpening of such areas in an image. Godlewski teaches the specifics claimed with respect to unsharp masking.

Neither Takemoto, Gallagher nor Godlewski disclose the most recently added claim features of:

Applying a downsampling process to the photographic image to be sharpened, such that coarse image data resulting therefrom represents a coarse image with less detail than the photographic image to be sharpened, wherein the coarse image includes a multitude of coarse image elements

Determining a correction mask, elements of the correction mask describing changes or local sharpness to be made to respective corresponding elements of the photographic image;

Wherein determining the correction mask comprises using the corrected coarse correction mask.

The rest of the steps rely on the created coarse image data for calculating the sharpening.

Fu was cited to teach reducing the image data in a downsampling process. However the downsampling of Fu is performed in order to reduce transmission and processing time and expense and Fu does not teach or fairly suggest the use of the created downsampled coarse image data for performing selective sharpening. None of the cited or found prior art teaches nor fairly suggests such a limitation. These limitations are claimed in independent claims 1, 14 and 22. Claims 1, 14 and 22 and accordingly the remaining pending subsequent dependent claims are all found allowable.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-2214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wes Tucker

5-10-06


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